

REMARKS

In the October 29, 2008 Office Action, claims 1-12 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the October 29, 2008 Office Action, Applicant has perfected priority to obviate the rejections. Further, Applicant has amended claim 6 to correct a typographical error. Thus, claims 1-12 are pending, with claims 1 and 6 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of the following comments.

Rejections - 35 U.S.C. § 102

On page 2 of the Office Action, claims 1-12 stand rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Laid-Open Patent Publication 2003-322355 (Yamano et al.). In response, Applicants have perfected priority to obviate the rejections.

In particular, the instant application is a national phase application of PCT/JP2004/012060 filed August 23, 2004, which claims priority to JP2003-307095, which was filed August 29, 2003, a copy of which was indicated in the Office Action Summary as being received by the USPTO. Thus, Applicant respectfully asserts that the Yamano et al. reference does not qualify as prior art under 35 U.S.C. §102(b). Further, Applicant has submitted herewith a translation of JP2003-307095 to perfect priority. As seen in the drawings and written disclosure of JP2003-307095, Applicant believes that claims 1-12 are supported by JP2003-307095. Thus, Applicant respectfully asserts that these claims are entitled to the benefit of August 29, 2003 filing date under 35 U.S.C. §§119 and 365. Since the Yamano et al. reference was published November 14, 2003, Applicant respectfully asserts that the Yamano et al. reference is now disqualified as prior art.

Applicants respectfully request withdrawal of the rejections.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-12 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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